

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SCOTT AND KATHRYN KASEBURG, et al.,

Plaintiffs,

v.

PORT OF SEATTLE, a municipal corporation;  
PUGET SOUND ENERGY, INC., a  
Washington for profit corporation, KING  
COUNTY, a home rule charter county, and  
CENTRAL PUGET SOUND REGIONAL  
TRANSIT AUTHORITY, a municipal  
corporation,

Defendants.

No. 2:14-CV-00784-JCC

**DECLARATION OF EMILY HARRIS  
IN SUPPORT OF KING COUNTY'S  
PETITION FOR ATTORNEYS' FEES**

I, Emily Harris, declare as follows:

1. I am a partner at Corr Cronin Michelson Baumgardner Fogg & Moore LLP. I am over the age of eighteen. I have personal knowledge of the facts set forth in this declaration, and I am competent to testify. I make this Declaration in support of King County's Petition for Attorneys' Fees and Costs.

2. On April 2, 2015, King County hired Corr Cronin Michelson Baumgardner Fogg & Moore LLP to serve as co-counsel to attorneys from the King County Prosecuting Attorney's Office.

I serve as a Special Deputy Prosecuting Attorney in this matter, along with David Freeburg, who is an associate of the firm.

3. King County Senior Deputy Prosecuting Attorney David Hackett, David Freeburg, and I were the attorneys primarily responsible for preparing and drafting King County's motion to compel.

4. Prior to joining Corr Cronin, I was an associate at O'Melveny & Myers LLP and a law clerk for the Honorable Thomas G. Nelson of the Ninth Circuit, U.S. Court of Appeals. I have practiced law for approximately sixteen years. Prior to joining Corr Cronin, David Freeburg was an associate at Goodwin Procter LLP. Mr. Freeburg has practiced law for approximately six years.

5. My hourly rate for this matter is \$375. David Freeburg's hourly rate is \$260. David Hackett's hourly market rate is \$375.<sup>1</sup> Based on my experience and knowledge, these are reasonable rates for attorneys with comparable skill, experience, and reputation in the Seattle area.

6. King County incurred the following attorneys' fees in prosecuting its motion to compel:

Attorney	Rate	Total Hours Billed	Total Dollars Billed
Emily Harris	\$375	8.9	\$3,337.50
David Freeburg	\$260	35.9	\$9,334.00
David Hackett	\$375	7.5	\$2,812.50
<b>TOTAL EXPENSES</b>			<b>\$15,484.00</b>

<sup>1</sup> Because Mr. Hackett is a King County government attorney he does not have a standard hourly billing rate. A market rate of \$375 for Mr. Hackett is more than reasonable given his skill, experience and reputation, as set out in his declaration.

7. King County also incurred the following attorneys' fees in preparing this fee petition:

Attorney	Rate	Total Hours Billed	Total Dollars Billed
Emily Harris	\$375	0.9	\$337.50
David Freeburg	\$260	6.8	\$1,768.00
<b>TOTAL EXPENSES</b>			<b>\$2,105.50</b>

8. Attached as **Exhibit A** is a true and correct copy of contemporaneous timekeeping records detailing the work performed by the attorneys at Corr Cronin Michelson Baumgardner Fogg & Moore LLP, and the time spent on each task incurred in prosecuting the motion to compel. No discrete costs were incurred.

I declare under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.

DATED this 3<sup>rd</sup> day of December, 2015 at Seattle, Washington.

s/ Emily J. Harris  
Emily J. Harris, WSBA #35763

**CERTIFICATE OF SERVICE**

I hereby certify that on December 3, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

DATED this 3<sup>rd</sup> day of December, 2015.

s/ Leslie Nims  
Leslie Nims

DECLARATION OF EMILY HARRIS IN SUPPORT OF  
KING COUNTY'S PETITION FOR FEES – Page 4  
No. 2:14-CV-00784-JCC

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CIVIL DIVISION, Litigation Section  
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500 Fourth Avenue  
Seattle, Washington 98104  
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# **EXHIBIT A**

**CORR CRONIN MICHELSON BAUMGARDNER FOGG & MOORE LLP**  
**A Limited Liability Partnership**  
**1001 Fourth Avenue, Suite 3900**  
**Seattle, WA 98154-1051**  
**TEL: 206-625-8600 FAX: 206-625-0900**

King County, Washington  
Prosecuting Attorney's Office  
900 King Co. Administration Bldg.  
500 Fourth Avenue  
Seattle WA 98104-2316

Attn: David Hackett

Date	Timekeeper	Description	Rate	Hours	Bill
05/11/2015	E. Harris	Call with D. Hackett and opposing counsel re extension and discovery (.2); follow-up call with D. Hackett re same (.1).	\$375.00	0.30	\$112.50
06/24/2015	E. Harris	Prepare for and participate in meet/confer with plaintiff re Kaseburg (.9); follow-up discussion re motion to compel with D. Hackett (.2); confer with D. Freeburg re drafting motion to compel (.2).	\$375.00	1.30	\$487.50
06/24/2015	D. Freeburg	Research case law re standards for motion to compel (2.6); draft motion to compel (1.7).	\$260.00	4.30	\$1,118.00
06/25/2015	D. Freeburg	Draft motion to compel (5.5); research standard regarding motion to compel (2.7).	\$260.00	8.20	\$2,132.00
07/08/2015	D. Freeburg	Research case law re standards for motion to compel (.7); revise motion to compel (1.1).	\$260.00	1.80	\$468.00
07/09/2015	D. Freeburg	Research case law re standards for motion to compel (1.2); revise motion to compel (3.0).	\$260.00	4.20	\$1,092.00
07/10/2015	D. Freeburg	Revise motion to compel (3.0); analyze objections to discovery requests in preparation for motion to compel (1.4); draft emails to E. Harris re revisions to motion to compel (.4).	\$260.00	4.80	\$1,248.00
07/10/2015	E. Harris	Assess and edit motion to compel and emails with D. Freeburg re same.	\$375.00	1.60	\$600.00

07/15/2015	D. Freeburg	Revise motion to compel responses to discovery requests.	\$260.00	0.80	\$208.00
07/17/2015	D. Freeburg	Draft emails to E. Harris and D. Hackett re revisions to motion to compel.	\$260.00	0.50	\$130.00
07/21/2015	D. Freeburg	Draft attorney declaration in support of motion to compel (0.8); draft proposed order in support of motion to compel (0.6); revise motion to compel responses to discovery requests (1.5).	\$260.00	2.90	\$754.00
07/23/2015	D. Freeburg	Revise motion to compel response to discovery requests.	\$260.00	1.0	\$260.00
08/03/2015	E. Harris	Assess plaintiffs' response brief in Kaseburg.	\$375.00	0.30	\$112.50
08/03/2015	D. Freeburg	Draft reply in support of motion to compel.	\$260.00	1.70	\$442.00
08/04/2015	E. Harris	Continue to assess plaintiffs' response and emails re same (.4); conference call re reply strategy (.3).	\$375.00	0.70	\$262.50
08/05/2015	D. Freeburg	Analyze opposition to motion to compel in preparation for reply	\$260.00	1.50	\$390.00
08/06/2015	E. Harris	Review and edit draft reply to motion to compel.	\$375.00	3.40	\$1,275.00
08/06/2015	D. Freeburg	Revise reply in support of motion to compel (.8); draft emails to E. Harris and D. Hackett re reply in support of motion to compel (.6).	\$260.00	1.40	\$364.00
08/07/2015	E. Harris	Edit and finalize Kaseburg reply re motion to compel (.9); review and edit Hackett declaration (.2); edit proposed order (.2).	\$375.00	1.30	\$487.50
10/23/2015	D. Freeburg	Analyze order granting partial summary judgment and motion to compel	\$260.00	0.8	\$208.00
10/23/2015	E. Harris	Review Kaseburg opinion.	\$375.00	0.3	\$112.50
11/10/2015	E. Harris	Email re fee/cost chart for order re attorneys' fees in Kaseburg	\$375.00	0.1	\$37.50
11/30/2015	E. Harris	Review and edit Kaseburg Fee Petition pleading, order, declaration and fee chart.	\$375.00	0.5	\$187.50
12/01/2015	D. Freeburg	Revise fee petition (.8); research case law re standards for fee petitions (1.0); revise declaration re fee petition (.8)	\$260.00	2.6	\$676.00

King County, Washington

Page 3

12/02/2015	D. Freeburg	Draft emails to D. Hackett and E. Harris re revisions to fee petition (.3); revise fee petitions (.8)	\$260.00	1.1	\$286.00
12/03/2015	D. Freeburg	Revise declarations re fee petition (.8); revise fee petition (1.0); draft emails to L. Nims, D. Hackett, and E. Harris re fee petition (.5)	\$260.00	2.3	\$598.00
TOTAL					\$14,049.00